

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

No. 1:07CR 98 RWS

HORACIO CRUZ-ZUNIGA,)

Defendant.)

ORDER

Defendant Horacio Cruz-Zuniga filed three pretrial motions. Defendant's Motion To Suppress Suggestive Pretrial Identifications and Motion For Severance have been denied as moot. The Motion To Suppress the Contents of Electronic Surveillance is the only motion still pending.

Defendant Horacio Criz-Zuniga filed his Motion To Suppress the Contents of Electronic Surveillance on October 31, 2007.

The motion was referred to United States Magistrate Judge Lewis M. Blanton.

On November 20, 2007 Judge Blanton held an evidentiary hearing on defendant's motion. On February 8, 2008 Judge Blanton issued his Report and

Recommendation that the motion be denied. On February 14, 2008 Defendant filed his objection to the Report and Recommendation stating:

Insofar as it recites the factual circumstances, the defendant has not objections to the Report and Recommendation. The Defendant does object to the legal conclusion that a sufficient showing was made to satisfy that statutory requirements and the requirements of the Fourth Amendment insofar as the warrant authorized electronic surveillance (Objection to Report and Recommendation p.2).

I have conducted a *de novo* review of the briefs and transcripts filed by the parties. Based on my review of the record,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge Lewis M. Blanton [#170] dated February 8, 2008, is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

IT IS FURTHER ORDERED that Defendant's Motion to Suppress the Contents of Electronic Surveillance [#148] is denied.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of March, 2008.